

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

MARIA GOMEZ,

No. C12-06545 LB

Plaintiff,

v.

**ORDER REGARDING PLAINTIFF'S  
NOTICE OF VOLUNTARY  
DISMISSAL**

SIBYLLE COE,

[Re: ECF No. 23]

Defendant.

Plaintiff filed her complaint against Defendant on December 27, 2012, and Defendant answered it on May 14, 2013. Complaint, ECF No. 1; Answer, ECF No. 9. Now, Plaintiff has filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a). Notice, ECF No. 23. Under Rule 41(a), however, Plaintiff cannot simply dismiss her action by filing a notice; instead, because Defendant answered Plaintiff's complaint, the parties must file a stipulation of dismissal. *Compare* Fed. R. Civ. P. 41(a)(1)(A)(i) *with* Fed. R. Civ. P. 41(a)(1)(A)(ii). Accordingly, if the parties wish to dismiss this action, they are directed to file a stipulation doing so. This can be accomplished if Defendant files a separate notice stipulating to the dismissal.

**IT IS SO ORDERED.**

Dated: September 6, 2013



LAUREL BEELER  
United States Magistrate Judge